

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Piero DEL SOLDATO et al.

Serial Number: 09/147,770

Filed: March 4, 1999

For: NITRIC ESTER DERIVATIVES AND THEIR USE IN URINARY  
INCONTINENCE AND OTHER DISEASES

Attn: Application Branch

**RESPONSE TO NOTICE TO FILE MISSING PARTS**Assistant Commissioner for Patents  
Washington, D.C. 20231

April 28, 1999

Sir:

In response to the Notice to File Missing Parts of Application dated April 9, 1999, applicants are submitting herewith the original signed declaration and assignment for the above-identified application.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 14-1060, along with any other required fees.

Respectfully submitted,

NIKAIDO, MARMELSTEIN, MURRAY &amp; ORAM LLP

James A. Poulos, III  
Attorney for Applicant  
Registration No. 31,714

Atty. Docket No. P8907-9002

Metropolitan Square  
655 15th Street, N.W.  
Suite 330 - G Street Lobby  
Washington, D.C. 20005-5701  
(202) 638-5000

POU/gw

Attachments: Check No.  
Notice to File Missing Parts  
Declaration  
Assignment and Cover Sheet

5611  
 NIKAIKO MARMELSTEIN MURRAY AND ORAM  
 METROPOLITAN SQUARE  
 655 15TH STREET NW  
 SUITE 330 G STREET LOBBY  
 WASHINGTON DC 20005-5701

INTERNATIONAL APPLICATION NO.

PCT/EP97/04774

FILING DATE

PRIORITY DATE

09/02/97

09/04/96

DATE MAILED: 04/09/99

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_.

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). ~~Pre-paid~~

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

DOCKETED BY S. Ahmed Telephone: 703/305-3659

DATE 4/13/99

BEST AVAILABLE COPY